

REMARKS

Claim Rejections

Claims 6-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer et al. in view of Rennick.

It is noted that the reference to Rennick was initially cited by the Examiner in the outstanding Final Office Action. Thus, this Amendment represents Applicant's initial opportunity to respond to the rejections based upon this reference.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claims

The primary reference to Bauer et al. teaches a camera/light assembly having a lens (504) with first, second, and third lens regions (510, 512, 514), a circuit board (363) covered by the lens, a camera (26a) connected to the circuit board and covered by the third lens region.

As noted on page 2 of the outstanding Office Action, the Examiner admitted that "Bauer does not disclose a hole on the cover lens and the safety sensor being inserted into the hole and the sensor having an end aligning with an exterior of the lens cover."

Bauer et al. do not teach a cover lens having at least one safety sensor hole aligning with the at least one safety sensor chamber; at least one safety sensor located in the at least one safety sensor chamber and inserted into the at least one safety sensor hole; nor do Bauer et al. teach the at least one safety sensor having an end aligning with an exterior of the lens cover.

The Secondary reference to Rennick teaches an integrated vehicle light including a shell (28), light bulbs (30, 31), a transducer (38), and a lens plate (40) with a hole (42).

Rennick, column 3, lines 42-45, states:

The lens plate 40 is formed with a hole 42. When the lens plate 40 is fitted over shell 28, the front end of transducer housing 38 is seated in hole 42.

Rennick, column 4 line 66 through column 4 line 3, states:

Shell 46, with the transducer 36 mounted therein, is disposed within a clear plastic tube 56, also part of transducer housing 38. More specifically, the transducer 36-and-shell 46 subassembly are fitted in tube 56 so as to be located in the end of **the shell that extends beyond lens plate 40.** (emphasis added)

Rennick teaches the transducer having an end extending beyond the lens plate (shown in Figure 1), which is distinguishable from the present invention wherein the at least one safety sensor having an end aligning with an exterior of the lens cover.

Rennick is totally devoid of any suggestion of a back panel having at least one safety sensor chamber.

Rennick does not teach a back panel having at least one safety sensor chamber; a cover lens having at least one safety sensor hole aligning with the at least one safety sensor chamber; at least one safety sensor located in the at least one safety sensor chamber and inserted into the at least one safety sensor hole; nor does Rennick teach the at least one safety sensor having an end aligning with an exterior of the lens cover.

Even if the teachings of Bauer et al. and Rennick were combined, as suggested by the Examiner, the resultant combination does not suggest: a cover lens having at least one safety sensor hole aligning with the at least one safety sensor chamber; at least one safety sensor located in the at least one safety sensor chamber and inserted into the at least one safety sensor hole; nor does the combination suggest the at least one safety sensor having an end aligning with an exterior of the lens cover.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which

allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Bauer et al. or Rennick that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Bauer et al. nor Rennick disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's claims.

Summary

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it represents Applicant's initial opportunity to respond to the rejections based upon Rennick.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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